

REMARKS

This application has been reviewed in light of the Office Action dated November 1, 2004. Claims 1-59, 61, and 63-71 are presented for examination, of which Claims 1, 3, 5, 33, 58, 61, 63, 66, 69, 70, and 71 are in independent form and have been amended as discussed below. Also, Claims 6, 9, 11, 41, and 67 have been amended as to matters of form only, not affecting their scope, and a clarifying amendment has been made to Claim 59. Favorable reconsideration is requested.

Claims 1-9, 11, 13, 14, 16-23, 25, 27-37, 39, 40, 42-53, 55-57 and 63-71 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent No. 6,151,600 ("Dedrick"). Claims 10, 12, 15, 24, 26, 38, 41 and 54 were rejected as obvious over Dedrick in view of U.S. Patent No. 5,953,710 ("Fleming"), and Claims 58, 59 and 61 were rejected as obvious over Dedrick in view of U.S. Patent No. 6,282,653 ("Berstis").¹

Applicant would like to thank the Examiner for granting and conducting an interview with Applicant's undersigned representative on January 31, 2005. As indicated in the Interview Summary of that date, agreement was reached regarding claim amendments to further clarify the patentably distinct features of the claimed invention over U.S. Patent No. 6,151,600 ("Dedrick"). The claims have been amended herein in the agreed upon manner.

In general, a distinctive feature of the present invention is that the desired fee-based content can be selected (e.g., by a user), and pre-specified user-defined

¹ The Office Action also rejected Claims 60 and 62 over the latter two references, but these rejections are moot due to the cancellation of these claims in the prior Amendment.

parameters are then used to control access to the fee-based content. Selection of the content is performed independently of the user-defined parameters.

The independent claims have been amended above to further emphasize salient features of the invention along the foregoing lines. In addition, the Examiner suggested that the claims be amended to recite that the user determines or sets the user-defined parameters. Applicant believes this to be implicit in the term “user-defined,” but nevertheless, amendments along the lines suggested by the Examiner have been made herein in order to expedite matters.

Dedrick, on the other hand, merely describes maintaining a “personal profile database” (see col. 5, lines 44-54), which is used to “customize received electronic content” (see col. 6, lines 47-50) or as the basis for a search performed by an “appraisal agent” (see col. 7, line 60 – col. 8, line 52). Dedrick’s system delivers information to the user based on this personal profile database. That is, in Dedrick, searches themselves are performed based on (and are dependent on) the personal profile, resulting in content being selected based on the personal profile. According to the present independent claims, by contrast, content selection is made independently, and not based on a pre-authorization or parameter defining authorization for retrieval of fee-based content.

For example, Claim 1 as amended recites, *inter alia*, a method of enabling a user to obtain fee-based content over a network, including setting user-defined parameters specified by the user to accept all fees below a predetermined amount. The content is selected by the user from a content provider location independently of the user-defined parameters. A second portion of the content is displayed when the fee therefore is accepted based on the user-defined parameters.

Similarly, Claim 5 recites selecting content through a network and accessing the selected content based on at least one predefined user-preference specified by a user, wherein the selection of the content is not dependent on the at least one predefined user-preference.

Claim 33 recites a client information appliance that receives user-defined settings specified by the user regarding acceptance of fees. The client information appliance retrieves content in response to selection by the user, wherein the content is selected independently of the user-defined settings.

Claim 66 recites a client information appliance adapted to receive inputs from the user that pre-authorize a first amount for payment of content data, and receive inputs from the user that pre-authorize a second amount for payment of items and/or services. The client information appliance retrieves selected content data from a remote location and determines a fee associated with the content and items. The content is selected independently of the first and second pre-authorized amounts.

Further by example, Claim 71 recites selecting electronic content to be accessed through the network and accepting, from a user, electronic pre-authorization of payment for any electronic content that requires payment of a fee to be accessed. The selected electronic content is accessed based on the electronic pre-authorization, but the selecting of the electronic content is performed independently of the electronic pre-authorization.

Independent Claims 3, 58, 61, 63, 69, and 70 similarly recite selection of fee-based content being performed independently of user-defined parameter or pre-authorization.

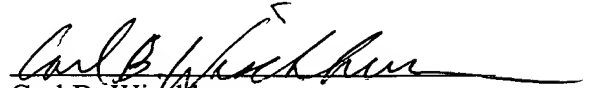
As noted above, it was agreed during the interview that Dedrick does not teach or suggest features along the lines of those now recited in the amended independent claims. Accordingly, those claims are believed to be clearly patentable over Dedrick. A review of the other art of record, including Fleming and Berstis, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of Dedrick as a reference against the independent claims herein. All of the independent claims are therefore believed to be patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carl B. Wischnusen", with a long horizontal flourish extending to the right.

Carl B. Wischnusen
Attorney for Applicant
Registration No. 43,279
(212) 218-2582

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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